

Message Text

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ACTION ARA-14

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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 7201

C O N F I D E N T I A L SECTION 01 OF 02 MEXICO 21315

FOR ARA/MEX HELEN LANE

E.O. 11652: GDS
TAGS: SHUM, MX
SUBJECT: HUMAN RIGHTS EVALUATION REPORTS FOR CONGRESS

REF: (A) STATE 282352 (B) MEXICO 20589

1. ALTHOUGH EMBASSY IS IN GENERAL AGREEMENT WITH THE
UNCLASSIFIED SUBJECT REPORT, WE RECOMMEND THE CHANGES
REFLECTED IN THE FOLLOWING REDRAFT:

2. SUGGESTED OPENING PARAGRAPH--MEXICO IS A COUNTRY WITH
A STRONG HUMAN RIGHTS RECORD IN INTERNATIONAL AFFAIRS,
WITH TRADITIONAL SUPPORT FOR THE PERSECUTED OF OTHER
COUNTRIES AND WITH SUPPORT FOR MULTILATERAL APPROACHES TO
HUMAN RIGHTS PROBLEMS. WITHIN MEXICO HUMAN RIGHTS
VIOLATIONS HAVE OCCURRED AS NOTED BELOW. ALSO NOTED ARE
ATTEMPTS BY THE GOM TO CORRECT PROBLEM AREAS.

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3. (A) INTEGRITY OF THE PERSON IS PROTECTED BY THE
CONSTITUTION AND IS GENERALLY RESPECTED IN PRACTICE. THE
EXCEPTIONS NOTED BELOW ARE NOT CONDONED BY THE GOM AS
PUBLIC POLICY.

(1) TORTURE -- PSYCHOLOGICAL AND PHYSICAL ABUSE BY
POLICE OF SUSPECTS ARRESTED ON SERIOUS CRIMINAL CHARGES

ARE THE MOST COMMONLY REPORTED HUMAN RIGHTS VIOLATIONS. THE REPORTED ABUSE IS ALLEGED TO OCCUR IN THE PERIOD IMMEDIATELY FOLLOWING ARREST, ESPECIALLY DURING INTERROGATION. THERE ARE FEWER INSTANCES OF SUCH REPORTS UNDER THE CURRENT ADMINISTRATION.

(2) CRUEL, INHUMAN OR DEGRADING PUNISHMENT -- CONDITIONS IN MANY MEXICAN JAILS ARE POOR. SOME JAILS ARE OVERCROWDED, THE SANITARY CONDITIONS PRIMITIVE, THE DIET INADEQUATE, AND PRISON PERSONNEL AT SOME LEVELS INSUFFICIENTLY TRAINED OR DISCIPLINED.

(3) ARBITRARY ARREST OR IMPRISONMENT -- MEXICAN LAW RECOGNIZES THE RIGHT OF AMPARO, A PROTECTION PROVIDED THE CITIZEN AGAINST "COERCIVE AND ABUSIVE ACTS OF AUTHORITY." IN THE AREA OF CRIMINAL LAW EMBASSY EXPERIENCE DEMONSTRATES THAT THERE ARE PROBLEMS IN ITS APPLICATION.

(4) DENIAL OF FAIR PUBLIC TRIAL -- GUARANTEES SUCH AS THOSE FOUND UNDER THE U.S. LEGAL SYSTEM TO PROTECT THE RIGHTS OF PRISONERS DURING PRE-ARRAIGNMENT INTERROGATIONS ARE NOT PART OF THE MEXICAN SYSTEM. IN ADDITION, QUALIFIED LEGAL COUNSEL IS EXPENSIVE AND OFTEN UNOBTAINABLE FOR CRIMINAL CASES. ALTHOUGH A PUBLIC DEFENDER SYSTEM EXISTS, THE QUALITY IS FAR FROM UNIFORM.

(5) INVASION OF THE HOME -- ON A FEW OCCASIONS
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MEXICAN POLICE ARE REPORTED TO HAVE INVADED THE HOME OR PLACE OF BUSINESS OF SUSPECTS.

(B) POLITICAL AND CIVIL LIBERTIES IN MEXICO ARE ENJOYED BY A WIDE PORTION OF THE POPULATION. IN ESSENCE A MEXICAN, LIMITED ONLY BY HIS PARTICULAR ECONOMIC, SOCIAL, AND CULTURAL RESOURCES, CAN READ ANY AUTHOR, TRAVEL AND SETTLE FREELY, AND OPENLY CRITICIZE HIS GOVERNMENT.

(1) FREEDOM OF THOUGHT, RELIGION, AND ASSEMBLY -- FREEDOM OF EXPRESSION, AND OF THE PRESS, ARE ENJOYED WITHIN WIDE LIMITS, ALTHOUGH DIRECT CRITICISM OF THE PRESIDENT IS GENERALLY MUTED. THERE ARE NO RESTRICTIONS ON THE PRACTICE OF RELIGION, ALTHOUGH THERE ARE RESTRICTIONS ON CHURCH OWNERSHIP OF PROPERTY AND POLITICAL PARTICIPATION BY THE CLERGY IS PROHIBITED BY THE CONSTITUTION. ASSEMBLY HAS FEW REAL RESTRICTIONS, ALTHOUGH DEMONSTRATIONS AND MARCHES REQUIRE PERMITS, WHICH NORMALLY ARE GRANTED.

(2) FREEDOM OF MOVEMENT -- THERE ARE NO GOVERNMENT RESTRICTIONS ON EMIGRATION OR FOREIGN TRAVEL OR CHANGE OF

RESIDENCE.

(3) DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS -- THE PRINCIPAL SHORTCOMING OF THE FORMAL DEMOCRATIC PROCESS OF CANDIDATE SELECTION AND ELECTION IS THAT A POLITICAL AND ECONOMIC MINORITY MAKES MAJOR DECISIONS. HOWEVER, WITHIN THE DOMINANT POLITICAL PARTY AND THE GOVERNMENT THERE IS CONSIDERABLE GIVE AND TAKE, WIDE IDEOLOGICAL VARIATION, AND A GENUINE ATTEMPT TO BE RESPONSIVE TO THE ECONOMIC AND SOCIAL NEEDS OF THE COUNTRY. IN RECOGNITION OF THE SYSTEM'S IMPERFECTIONS, THE CONGRESS RECENTLY APPROVED PROPOSALS OF PRESIDENT LOPEZ PORTILLO FOR POLITICAL REFORM WHICH FACILITATE THE REGISTRATION OF ADDITIONAL POLITICAL

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PARTIES (SEVERAL OPPOSITION PARTIES ALREADY EXIST AND PARTICIPATE IN ELECTIONS) AND PROVIDE FOR BROADENED REPRESENTATION OF OPPOSITION PARTIES IN THE LOWER HOUSE OF

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 7202

C O N F I D E N T I A L SECTION 02 OF 02 MEXICO 21315

CONGRESS. IN MARCH OF 1977, PRESIDENT LOPEZ PORTILLO ORDERED THAT CHARGES BE DROPPED AGAINST OVER 400 INMATES WHO HAD COMMITTED NON-VIOLENT POLITICAL CRIMES.

(C) AS A DEVELOPING COUNTRY, MEXICO HAS ECONOMIC AND SOCIAL PROBLEMS WHICH IN EFFECT LIMIT THE ECONOMIC AND SOCIAL RIGHTS OF A LARGE PART OF ITS POPULATION. RECENT TRENDS IN GOVERNMENTAL SOCIAL POLICY HAVE BEEN POSITIVE.

(1) POLICIES RESPONDING TO THE NEEDS OF THE POOR -- THE ECHEVERRIA ADMINISTRATION EXPANDED GOVERNMENT SERVICES IN THE AREA OF SHELTER, HEALTH CARE, EDUCATION, AND FOOD. THE DEGREE TO WHICH THESE INCREASED SERVICES REACHED THE POOREST 20% OF THE POPULATION IS DIFFICULT TO DETERMINE AT THIS EARLY DATE. THE NEW GOVERNMENT, WHICH TOOK OFFICE ON DECEMBER 11, 1976, IS ALSO CONCERNED ABOUT THE SITUATION OF THE POOR AS IS SHOWN IN STATEMENTS OF JLP IN HIS INAUGURAL ADDRESS, HIS FIRST INFORME (STATE OF THE UNION MESSAGE), AND THE 1978 BUDGET REFLECTS A CONCERN ABOUT THE UNEMPLOYMENT AND SKEWED INCOME DISTRIBUTION PROBLEMS.
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(2) THERE EXISTS A WIDESPREAD PERCEPTION THAT CORRUPTION IN MEXICO IS PERVASIVE AND DIVERTS SIGNIFICANT RESOURCES TO A MINORITY. THE JLP GOVERNMENT HAS PROSECUTED SEVERAL CASES OF GOVERNMENT CORRUPTION AND IN A RECENT TV INTERVIEW, THE PRESIDENT SPOKE OPENLY OF THE NEED TO COMBAT THIS SERIOUS SOCIAL PROBLEM.

(D) THE GOVERNMENT BEARS SOME RESPONSIBILITY FOR VIOLATIONS OF THE INTEGRITY OF THE PERSON ALTHOUGH IT MUST BE NOTED THAT THIS PROBLEM LIES MORE WITH STATE AND LOCAL GOVERNMENTS THAN WITH THE FEDERAL LEVEL. THE GOM DOES NOT ADVOCATE SUCH ABUSE OR SEARCH FOR EXCUSES TO JUSTIFY VIOLATIONS OF THE INTEGRITY OF THE PERSON. HOWEVER, MORE COULD BE DONE BY THE GOM TO PREVENT SUCH ABUSES.

(E) GOVERNMENT ATTITUDES TOWARD INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATIONS OF HUMAN RIGHTS PROBLEMS ARE NOT TOTALLY CLEAR. THE FOREIGN MINISTER SAID AT THE OAS GENERAL ASSEMBLY IN GRENADA THAT THE INTER-AMERICAN HUMAN RIGHTS COMMISSION WOULD BE WELCOMED TO VISIT MEXICO. THE ATTITUDE TOWARD PRIVATE GROUPS SUCH AS AMNESTY INTERNATIONAL IS NOT YET CLEAR.

4. COMMENT: ALTHOUGH WE WILL PREPARE THE GROUND WITH THE GOM BY INFORMING IT THAT US LEGISLATION REQUIRES PUBLICATION OF AN ANNUAL REPORT ON HUMAN RIGHTS IN MEXICO (STATE 232352), WE EXPECT THAT THE GOM REACTION TO ANY SUCH REPORT WILL NOT BE FAVORABLE. THE LIKELY ATTITUDE OF OFFICIALS AND OF THE MEDIA WILL BE THAT ANY SUCH REPORT

CONSTITUTES AN UNDUE INTERFERENCE IN MEXICO'S INTERNAL
AFFAIRS, AND LINKAGES WILL BE MADE BETWEEN OUR CRITICISMS
OF OTHER COUNTRIES AND (FROM THE MEXICAN POINT OF VIEW)
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VIOLATIONS BY THE U.S. OF THE HUMAN RIGHTS OF MEXICAN UN-
DOCUMENTED WORKERS IN THE U.S. SEE REFTEL B FOR GOM
PRELIMINARY COMMENTS. END COMMENT. LUCEY

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